

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

ST. PAUL MERCURY INSURANCE CO., §  
§  
Plaintiff, §  
§  
VS. § CIVIL ACTION NO. H-10-5146  
§  
LEWIS-QUINN CONSTRUCTION, *et al.*, §  
§  
Defendants. §

**ORDER**

On October 15, 2012, plaintiff St. Paul Mercury Insurance Co. (“St. Paul”) filed a proposed form of final judgment. (Docket Entry No. 98). On November 2, 2012, defendants James E. Galloway, Catherine B. Galloway, Galloway Trust Management, and Alliance Development, Inc. (the “Galloway Defendants”) moved this court for an order granting leave to amend their pleadings based on the terms of a settlement agreement. (Docket Entry No. 100). This court granted the motion on November 6, 2012. (Docket Entry No. 101). The court’s order stated, in accordance with the settling parties’ motion, that “[a]ll claims among and between the plaintiff, St. Paul Mercury Insurance Company, and the Galloway Defendants are dismissed with prejudice against refiling same.” (*Id.* at 1). On November 8, 2012, St. Paul filed an amended proposed form of final judgment in favor of St. Paul against all defendants that was substantially the same as the original proposed final judgment. (Docket Entry No. 102).

On November 12, 2012, defendants, Joseph V. Turner, Peggy J. Turner, and Phoenix Rental, Inc. (the “Turner Defendants”) filed an objection to the proposed form of final judgment. (Docket Entry No. 103). The Turner Defendants argue as follows:

Despite the fact that St. Paul's claims have been settled and dismissed, St. Paul has now submitted a proposed judgment in favor of St. Paul against all defendants. St. Paul is not entitled to judgment on claims this Court has already dismissed. Likewise, St. Paul is not entitled to judgment on claims that it has settled and released.

(*Id.* at 2). The Turner Defendants did not submit a proposed form of final judgment that they believe would comport with the settling parties' agreement and with this court's previous orders. Accordingly, the Turner Defendants must submit to this court a proposed form of final judgment no later than close of business on **November 20, 2012**.

SIGNED on November 16, 2012, at Houston, Texas.

  
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Lee H. Rosenthal  
United States District Judge